REMARKS

In the Office Action, claims 12, 14, 15, 18-22, 25-29 and 32-35 are rejected under 35 U.S.C. § 102; claims 13, 16, 17, 23, 24, 30 and 31 are rejected under 35 U.S.C. § 103; and claims 12, 16, 17, 19, 20, 23 and 24 are rejected under the judicially created doctrine of obviousness-type double patenting. Claims 36-40 have been allowed. Applicants believe that the rejections have been overcome based on the reasons set forth below.

With respect to the anticipation rejection in view of *Hinokuma,* claims 12, 14, 15, 18-22, 25-29 and 32-35 have been cancelled without prejudice or disclaimer and thus this rejection has been rendered moot in view of same.

As previously discussed, Applicants have added claims 41-46. Claim 41 essentially includes the limitations from claim 12 and claim 13; claim 42 essentially includes the limitations from claim 12 and claim 16; claim 43 essentially includes the limitations from claim 19 and claim 13; claim 44 essentially includes the limitations from claim 19 and claim 23; claim 45 essentially includes the limitations from claim 28 and claim 13; and claim 46 essentially includes the limitations from claim 28 and claim 30.

Accordingly, Applicants respectfully request that the anticipation rejection in view of *Hinokuma* be withdrawn.

In the Office Action, claims 13, 16, 17, 23, 24, 30 and 31 are rejected under 35 U.S.C. § 103 as allegedly unpatentable over *Hinokuma* in view of U.S. Patent No. 6,613,464 ("*Wilkinson*"). As previously discussed, claims 13, 16, 17, 23, 24, 30 and 31 have been cancelled without prejudice or disclaimer and thus this rejection has been rendered moot with respect to same.

Further, Applicants believe that newly added claims 41-46 have overcome this rejection as well. In this regard, Applicants do not believe that the primary *Hinokuma* reference can be properly applied as prior art under 35 U.S.C. § 103. At the outset, *Hinokuma* should be considered prior art under 35 U.S.C. § 102(e). Indeed, the present application has a filing date of September 28, 2001 that pre-dates the issue date of December 17, 2002 with respect to the *Hinokuma* reference. Further, there exists common ownership between *Hinokuma* and the present application. In this regard, both *Hinokuma* and the present application are commonly owned by the Sony Corporation. Thus, *Hinokuma* as 102(e) art cannot be applied against the

present application pursuant to 35 U.S.C. § 103(c). With *Hinokuma* removed as prior art, the obviousness rejection in view of same and further in view of *Wilkinson* should be withdrawn.

In the Office Action, claims 12, 16, 17, 19, 20, 23 and 24 are rejected under the judicially created doctrine of obviousness-type double patenting as being as unpatentable over claims 1-4 of U.S. Patent No. 6,726,963. As previously discussed, claims 12, 16, 17, 19, 20, 23 and 24 have been cancelled without prejudice or disclaimer and thus this rejection should be rendered moot in view of same. Further, this rejection should not be applied against the newly added claims 41-46. In this regard, Applicants have submitted herewith a terminal disclaimer.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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